

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

No. CR-11-0625 EMC

Plaintiff,

v.

**AMENDED ORDER RE EVIDENTIARY
OBJECTION**

BASSAM YACOUB SALMAN, A/K/A
BASSAM JACOB SALMAN

Defendant.

Before the Court is the government's motion in limine relating to Exhibit 88, the Defendant's interview with the SEC. The government requests that the Defendant be precluded from eliciting any statements by the Defendant to the SEC that the government is not offering into evidence. The Defendant argues that the rule of completeness and Fed. R. Evid. 106 require admission of the entire interview with the SEC, with only the Defendant's invocations of his Fifth Amendment rights redacted.

The Court has reviewed both the unedited transcript and the portions of the transcript the government proposes to introduce. The Court finds that Rule 106 and the rule of completeness do not apply. Defendant has not pointed to any portion of the testimony needed to insure completeness and fairness in response to the discrete sections the government seeks to admit. The omitted portions of the transcript are not necessary to place the admitted excerpts into a proper context or to avoid misleading the jury. *See United States v. Burreson*, 643 F.2d 1344, 1349 (9th Cir. 1981).

1 **The Court GRANTS the government's motion. The parties shall meet and confer**
2 **regarding the format Exhibit 88 shall take.**

3
4 **IT IS SO ORDERED.**

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6 Dated: September 13, 2013



EDWARD M. CHEN
United States District Judge